

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
CLERKS OFFICE

BOYD FULTON,
Plaintiff

2005 FEB -3 A 5:48
Civil Action No.
2004 CV 11234-MEL
DISTRICT COURT
DISTRICT OF MASS

v.

TOWN OF HULL,
MASSACHUSETTS,

JOINT STATEMENT OF THE PARTIES

Pursuant to Local Rule 16.1 and Fed.R.Civ.P. 16(b) and 26(f), and in anticipation of the Scheduling Conference on February 2, 2005, the parties hereby submit the following Joint Statement.

A. Proposed Pretrial Schedule

1. Discovery Completed

Written discovery shall include depositions, requests for production of documents, interrogatories, requests for admissions and any other form of discovery contemplated by the Federal Rules of Civil Procedure. Initial written discovery requests are to be served by April 17, 2005, and written discovery shall be completed by May 2, 2005.

2. Motions to Amend the Pleadings

Any motions to amend the pleadings shall be filed no later than February 23, 2005. Any oppositions thereto shall be filed within the time provided for under the Rules.

3. Dispositive Motions

All motions for summary judgment pursuant to Fed.R.Civ.P. 56 shall be filed on or before July 2, 2005. All motions pursuant to Fed.R.Civ. P. 12(b) shall be filed on or before June 2, 2005. Any response or oppositions thereto to be filed thirty (30) days thereafter pursuant to Local Rule 7.1

4. Identification of Expert Witnesses

The Plaintiff's expert witnesses (if any) shall be designated by April 17, 2005 and Plaintiff's expert witness report submitted by June 17, 2005. Defendant's expert witnesses shall be designated by July 16, 2005 and defendants' expert witness report submitted by August 15, 2005.

5. Final Pretrial Conference

A final pre-trial conference will be held per order of the Court.

B. Settlement Demand

Plaintiff has made a demand for \$12,300, which has been broken down claim by claim for the Defendant in letters dated December 16, 2004 and January 24, 2005.

C. Consent To Transfer the Case to a Magistrate

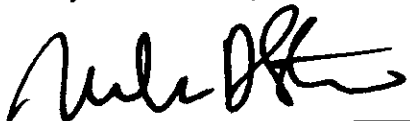
The parties do not at this time agree consent to the appointment of a Magistrate Judge to hear the case.

D. Local Rule 16 Certification

Counsel for each party hereby certifies that he has conferred with his client(s) regarding the budget for the instant litigation and that he will consider the use of alternative dispute resolution programs to resolve the litigation at the earliest stage possible.

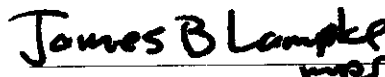
Respectfully submitted,

PLAINTIFF,
By his Attorney,



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DEFENDANT,
By its Attorney,



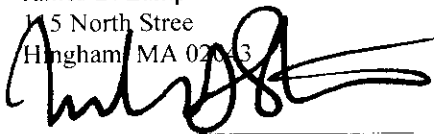
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email: jlampke@town.hull.ma.us

Date: January 24, 2005

CERTIFICATE OF SERVICE

I hereby certify that on this day, I served a copy of the above document on the defendant by mailing a copy, first class, postage prepaid to:

James B. Lampke
115 North Street
Hingham, MA 02043



Mark D. Stern